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SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

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DIRECTOR

DATE: MAY 25, 2006

TO: PLANNING COMMISSION

FROM: WARREN HOAG, DIVISION MANAGER, CURRENT PLANNING

**SUBJECT: CONSIDERATION OF REVISIONS TO THE PLANNING
COMMISSION RULES OF PROCEDURE**

SUMMARY

At the Planning Commission retreat on January 13, 2006, you discussed revisions to the Rules of Procedure recommended by the commission subcommittee appointed to review and identify possible changes to the rules. Additional revisions were suggested at the retreat and staff has prepared an updated draft of the rules reflecting both the previous and new changes. The revised Rules of Procedure are being presented to your commission today for consideration and possible adoption.

RECOMMENDATION

Consider and adopt the attached revisions to the Planning Commission Rules of Procedure.

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RULES OF PROCEDURE



PLANNING COMMISSION

County of San Luis Obispo
California

(REV. 11/15/99)

REVISIONS PROPOSED BY PLANNING COMMISSION SUBCOMMITTEE, 9/14/05

(Deletions shown in ~~striketroughs~~; new wording shown underlined)

ADDITIONAL REVISIONS SUGGESTED AT PLANNING COMMISSION RETREAT, 1/13/06

(Deletions shown in ~~double-striketroughs~~; new wording shown in ***bold italics***)

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**RULES OF PROCEDURE FOR
THE PLANNING COMMISSION
of the County of San Luis Obispo**

In order to provide for more expeditious handling of growing public business, these rules of procedure are adopted by the County of San Luis Obispo Planning Commission (Commission). Whenever possible, these rules are to be construed generally.

I. MEETINGS

- A. All meetings of the Planning Commission shall be held in conformance with the requirements of the Ralph M. Brown Act (Brown Act). The actions of the Commission shall be performed in meetings open to the public and adequate public notice shall be provided for those meetings. Closed sessions may be held only on the advice of County Counsel and in conformance with provisions of the Brown Act.
- B. A meeting of the Commission is defined as any congregation of a majority of members to hear, discuss, or deliberate upon any item under the Commission's jurisdiction; or any direct communication, personal intermediaries or technological devices employed by a majority of members to develop a collective concurrence to take action (commonly referred to as a *"serial meeting"*).
 - 1. Exceptions: conferences open to the public to discuss issues of general interest to the public or public agencies; open and publicized meetings to address a topic of local community concern by someone else; purely social or ceremonial occasions; or other similar events as determined by County Counsel.
- C. The Planning Commission shall hold two regular meetings each month in the Chambers of the Board of Supervisors of the County of San Luis Obispo, in the County Government Center, 4050 1055 Monterey Street, Room D170, San Luis Obispo, California. The meetings shall be on the second and fourth Thursdays of each month, beginning at 8:45 a.m., unless otherwise scheduled by a majority of the Commission, as provided in Section I.D.
- D. Any regular meeting of the Planning Commission may be adjourned from time to time in compliance with the provisions of California Government Code Section 54955. In accordance with Government Code Section 54956, special meeting may be held upon the call of the Chairperson of the Commission following twenty-four (24) hour written notice to each member of the Commission, unless the members have signed waivers of the written notice.
- E. The order of business for Planning Commission meetings shall be as arranged by the Commission Secretary and the Director of the County Department of Planning and Building (Planning Director) or Assistant Director. The regular order of business may be suspended or varied at any time upon the order of the Chairperson, or a majority vote of the Commissioners present. Agenda items may be continued at the discretion of the Chairperson and upon vote of the Commission.
- F. Teleconferencing of meetings may be allowed in accordance with California Government Code Section 54953 with the prior concurrence of a majority of the full membership of

the Commission, provided that the teleconferencing site is within the boundaries of San Luis Obispo County.

II. OFFICERS

- A. At the first regular meeting of the Commission held in the month of January of each year, the Commission shall elect from among the appointed Commissioners a Chairperson and Vice-Chairperson.
- B. If the Chair is permanently vacated during the year, the Vice-Chairperson shall assume the role of the Chairperson and a new Vice-Chairperson shall be elected at the next regular meeting of the Commission.
- C. If the Vice-Chairperson's position is permanently vacated at any time during the year, a new Vice-Chairperson will be elected at the next regular meeting of the Commission.
- D. In case of the absence, or temporary inability to act, of the Chairperson and the Vice-Chairperson, the members present at any meeting may, by an order entered in their minutes, select one of their number as Chairperson pro-tem for that meeting.

III. ATTENDANCE

- A. The County Counsel, or a Deputy, will be present at all meetings of the Planning Commission.
- B. The Planning Commission Secretary, or alternate assigned by the Planning Director, will be present at all meetings of the Planning Commission.
- C. The Director of the Department of Planning and Building, Assistant Director, or alternate assigned by the Director or Assistant Director will be present at all meetings of the Planning Commission.
- D. The Director of Public Works and Transportation, or alternate assigned by the Director, will be present at all meetings of the Planning Commission, appropriate to their expertise.
- E. Planning Commissioners shall be present at all meetings of the Planning Commission. Commissioners unable to attend meetings shall notify the Planning Commission Secretary. A Commissioner may attend a meeting by teleconferencing in accordance with Section I.F of these Rules.

IV. PUBLIC COMMENT

- A. There will be a portion of the agenda set aside for members of the public to directly address the Commission on matters other than scheduled items on the agenda for that meeting. Each individual speaker will be limited to a three (3) minute presentation.
- B. In order to assist the Commission Chairperson to properly recognize speakers, and to assist the Commission Secretary maintain the records of the meeting, all persons desiring to speak on agenda items other than the public comment period should fill out a "Board Appearance Request Form" (available in the back of the hearing room) and submit it to the Commission Secretary prior to the start of the agenda item. Each speaker's time may be limited at the discretion of the Chairperson.

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- C. Persons making presentations at Planning Commission meetings shall first be recognized by the Chairperson and then identify themselves for the record by giving their names and residences.
- D. All remarks are to be directed to the Chairperson and the Commission as a whole, not to any individual Commissioner. No person will be permitted to make slanderous, profane or personal remarks against any individual.
- E. Any member of the Commission may briefly comment at the conclusion of public comment on any issue brought up during the public comment period.

V. CONDUCTING BUSINESS

- A. In conducting the Commission's business, the following number of members shall constitute a quorum:
 - 1. Adoption or amendment to the General Plan, Specific Plans, Land Use Ordinance and Coastal Zone Land Use Ordinance, at least three (3) members. For any such adoption or amendment to be approved, there must be at least three (3) affirmative votes.
 - 2. All other Commission business, at least three (3) members. The affirmative vote of a majority of a quorum shall be required for the approval of such business.
- B. When motions are made by Commissioners, the motion shall be stated to the Secretary by the moving Commissioner.
- C. No question on a motion will be debated or put forward unless the motion has been seconded. When a motion is seconded, it will be stated by the Chairperson before debate.
- D. A motion having been stated by the Chairperson will be deemed to be in possession by the Commission. The motion may be withdrawn at any time before decision or amendment upon agreement by the second.
- E. When a question is under debate, no motion will be received unless it is a motion:
 - 1. to adjourn;
 - 2. to lay on the table;
 - 3. to consider the previous question;
 - 4. to postpone to a certain date;
 - 5. to amend; or
 - 6. to postpone indefinitely.

~~These six (6) motions shall have preference in the above order.~~

- F. A motion will be required to continue discussion of agenda items after 5:00 p.m.
- G. A motion to adjourn or a motion to fix time of adjournment shall may be decided with debate.
- H. A motion to refer, or lay on the table until the motion is decided shall include all amendments to the main question.

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- I. A motion to consider the previous question shall preclude all amendment from debate to the main question, and shall be put in the form "*shall the main question be put to a vote.*"
- J. A Commissioner called to order shall relinquish the floor unless permitted to explain, and the Commission, if appealed to, shall decide on the case, but without debate. If there is no appeal, the decision of the Chairman shall be final.
- K. Upon demand of any Commissioner, or at the discretion of the Chairperson, the vote shall be by roll call, except that the vote on all ordinances or resolutions shall be by roll call.
- L. The business of the Commission shall be conducted in accordance with the Brown Act. Accordingly, when deliberating and making quasi-judicial decisions (e.g. minor use permit, development plan, conditional use permit, variance, tentative tract map), Commissioners should **generally avoid** ~~not participate in~~ "ex parte contacts" with project proponents or opponents as such contacts can give the appearance of presumed bias on the part of the Commission that can adversely affect the actions and decisions of the Commission. Ex parte contacts can be in the form of individual personal contact or the receipt of correspondence directed to a single Commissioner.
 - 1. To the extent that any Commissioner has ex parte contacts, those contacts shall be reported to the Commission in open public session, including sufficient detail so as to provide adequate information to the other Commissioners and the public as to the substance of the contact. To the extent that a Commissioner deems it necessary, the Commissioner may also file with the Secretary to the Commission, a written statement explaining the ex parte contact. This provision does **not** exempt the Commissioner from making a public ex parte disclosure.
 - 2. Commissioners shall not meet with a succession of smaller than a quorum of the of the Commission (serial meetings). Such meetings can be found to be in violation of the Brown Act as an attempt to avoid the notice and public participation requirements of the Brown Act.
 - 3. San Luis Obispo County assumes that all Planning Commissioners understand the requirements under the Fair Political Practice Act and the Ralph M. Brown Act as they pertain to the roles and responsibilities of the Planning Commissioners.

VI. AGENDAS

- A. Agendas for the Commission will be prepared by the Commission Secretary in coordination with the Planning Director and Assistant Director.
- B. The Planning Director or Assistant Director shall have discretion as to when and what items shall be placed on the agenda. Items will be placed on the agenda at the earliest possible time consistent with requirements for legal advertising and availability of agenda time.
- C. Corrections to staff reports for agenda items are to be transmitted to the Commission at least 72 hours in advance of the meeting wherever practicable.

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VII. AMENDMENT OF THESE RULES

- A. The Planning Director or Assistant Director will occasionally review these rules of procedure and make recommendations for change to the Commission.
- B. Any member of the Commission may also propose revisions to the rules and, if so approved by an affirmative vote of the Commission, will be referred to the Planning Director or Assistant Director for review and placement on a future Commission agenda for action.
- C. Amendments to these rules of procedure shall be approved by a majority of the total voting membership of the Commission.